IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 2726 of 2003

Between:

Anil S/o Bulchand, 32 Yrs
R/o Sanath Nagar, Hyderabad

..... PETITIONER

AND

The Joint Collector, C.S. ,R.R.District

Saifabad Hyderabad

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction particularly one in nature of writ of mandamus declaring the action of seizure of petitioners stocks in Cr.No.72/VC.RR/1998 by the complainant as illegal improper null and void and violative of Principles of Natural Justice and various Government orders consequently direct the authorities to release all the seized stocks of the petitioner to him forthwith by setting aside the orders passed by the Principal Sessions Judge, R.R.Dist. in Cr. Appeal No.108/2000 dated 05-11-2002 to the extent of confiscating 25% of the seized stocks.

Counsel for the Petitioner: MR.G.L. NARASIMHA RAO

Counsel for the Respondent : GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER

Heard both sides.

The petitioner herein who is running a kirana shop seeks to assail the impugned orders of seizure of the stocks from his shop on the ground of certain variations. Initially, subsequent to the proceedings at the primary level, the appellate authority has reduced confiscation to 50% and whereas on further appeal, the Principal Sessions Judge, Ranga Reddy District has reduced the confiscation to 25%.

Having heard the counsel on either side and perusal of material and having regard to the nature of allegations where there being no serious contravention as such attributing any black marketing etc., there is no justification to impose such confiscation to the extent of 25%. In view of the same, the confiscation is reduced to 10%.

Accordingly, the Writ Petition is allowed in part. No costs.

19-11-2004.

Hsd

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Friday, the Nineteenth day of November, Two Thousand and Four.

Asst.Registrar

To

1. The Joint Collector, C.S., Saifabad

   Hyderabad

   2. 2 C.Cs to G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT)

2. 2 C.D. copies.

.